

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*
State Engineer,

Plaintiff,
v.

ROMAN ARAGON, *et al.*,

Defendants.

01 JUL 16 PM 2:09

69cv07941 JEC-ACE

RIO CHAMA STREAM SYSTEM
Rio Cebolla, Section 3

ANSWER TO COMPLAINT FOR ADJUDICATION OF WATER RIGHTS

COMES NOW Mario R. Martinez (please print your full name)
MARIO R. MARTINEZ

and answers the complaint as follows:

Subfile No

CHCB-005-0004

Object

MRM

Claim No Right

☐

1. In answer to Complaint: For each subfile listed above, please **initial** in one of the two boxes to indicate whether you object to the description of water right(s) contained in the State's proposed Consent Order, or whether you make no claim as to the water right(s) described in the State's proposed Consent Order.

If you object to the description of water right(s) and reject the State's proposed Consent Order, or if you make no claim as to the water right(s) set forth in the State's proposed Consent Order for any of the Subfile Numbers listed above, for each such Subfile Number please explain in the appropriate spaces below.

I object to the description of the water right(s) described by Subfile Number(s) CHCB-005-0004

I Mario R. Martinez, do claim Water Right to The said property
005-0001 B 16.4 ac., 005-0004 B 6.5 ac. Water Rights are -

Legal Declaration of Claim

6276

-Clearly Established, and easily verifiable in History of Record of the Trujillo Lopez Ditches. Ref Emiliang Maes Ditch. Therefore I declare At this point, With due process and Legal account, That The Aragon claim is unfounded in its Reason or cause. It is Common Knowledge That drought has Stricken The Region For over Twenty years, sporatically and Intermittently. Varying With the Seasons... Also hoarding At the headwaters is a Significant and Well Known Factor. Therefore Removal of water Rights at this point, is unconstitutional, As it Defeats The purpose of Adjudication.
(Attach additional pages if necessary)

I made a good faith effort to resolve my disagreement with the State's proposed Consent Order by by the above declaration, Since The purchase of The premises resolve has been Delayed in probate court of the First Judicial District. Also, A Divorce between Mario Martinez, and Sophie Martinez is in process. At this point I am prepared to file All the Necessary Documents with the State Engineer as to my claim, usage and Historical Rights. Once again, Hoarding at the Headwaters and drought are not a just cause to disclaim my Rights For This is why adjudication is in order. To prevent this type of Violation and to protect the citizen (Attach additional pages if necessary)

I claim no right for the water right(s) described by Subfile Number(s) _____

because _____

(Attach additional pages if necessary)

2. I understand that by making this claim and filing this document I am not waiving my rights to later raise, in an Amended Answer, any jurisdictional or affirmative defenses I may have.

Dated: June 28, 0001

Mario R. Martinez
(Signature - MARIO R. MARTINEZ)

P.O. Box 217
T. A. N.M. 87575

(Address: Print Clearly)

(505) 588-7163

(Phone Number: Print Clearly)

IMPORTANT: If you have been served with a summons and copy of the complaint in this action, or if you have waived service of process, you must file an answer in the United States District Court for the District of New Mexico by August 17, 2001. Any right you may have to use waters of the stream system may be adjudicated by default judgment in conformity with the State's proposed Consent Order if you fail to file an answer by August 17, 2001. The court's address is: 333 Lomas NW, Suite 270, Albuquerque, NM 87102, or P.O. Box 2384, Santa Fe, NM 87504. A copy of the answer filed with the district court must also be sent to the Office of the State Engineer, Legal Services Division, P.O. Box 25102, Santa Fe, NM 87504-5102.